

Document AF 2

Document AF2

Akkordat

Nru. 32

Mandat ta' Arrest ta' Bćejjeċ tal-Bahar
'il fuq minn għaxar metri (Kawtelatorju)

Fil-Prim' Awla tal-Qorti Ċivili

Onor. T. Mallia LL.D.
Imħallief

14 AUG 2013

Mandat Nru. 1223 / 13 HG

Rikorrent Paul Falzon (KI 143460M)
bħala mandatarju speċjali
f'isem u għan-nom tal-assenti
Abbasi Zafar-Ul-Huda
(Passaport numru
CN1017472) #

vs

Intimat: Il-bastiment 'A LADYBUG'
(IMO 9441867)

Rikors ta' Paul Falzon (KI 143460M) fil-kwalita' tiegħu premessa.

Jingħad bir-rispett u bil-gurament ta' Paul Falzon jikkonferma:-

Illi l-esponent/i irid qiegħed fiż-żgur dejn jew pretensjonijiet, *in personam* jew *in rem*, li bit-tluq tal-biċċa tal-bahar li qed tissemma ftali rikors jistgħu jiġu skartati;

Illi d-dejn jew pretensjoni huwa s-segwent:-

Somma komplessiva ta' mija disgha' u erbghin elf sitta u ghoxrin dollaru amerikan u sitta u erbghin-il ċenteżmu (USD 149,026.46) illum ekwivalenti għal mija u sbatax-il elf sitt mija sitta u hamsin ewro u disgha' u hamsin-il ċenteżmu (EUR 117,656.59), liema somma qed tiġi likwidata għall-fini ta' dan il-mandat kawtelatorju biss, formanti parti minn somma akbar dovuta mill-proprietarju tal-bastiment intimat, ossia TMT Co. Ltd, lir-rikorrenti konsistenti f'pagi u salarji dovuti lilhom bħala kaptan, uffiċjali u membri tal-ekwipaġġ tal-istess bastiment intimat u di piu'spejjeż relatati mar-ripatrijazzjoni tar-rikorrenti, bi spejjeż ġudizzjarji u legali riżervati u bl-imghaxijiet skond il-liġi.

Illi l-biċċa tal-bahar li tagħha qed jintalab l-arrest hija s-segwent:-

- Isem:- A LADYBUG

- Dettalji ta' identifikazzjoni tal-biċċa tal-bahar

1. Registrat :- Panama

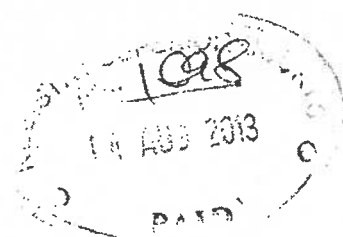
2. Numru IMO:- 9441867

3. Gross Tonnage:- 72,408

4. Call sign:- HP6290

- Lok fejn qiegħda il-biċċa tal-bahar:- Territorju tal-bahar Malti - Bunkering Area 3

- Awtorita: Awtorita' għat-Trasport f'Malta, Malta Transport Centre, Marsa MRS 1917

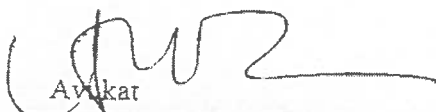


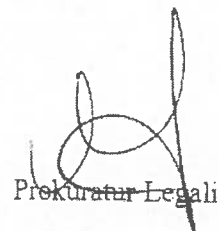
200 € 174.70
u 402 € 27.96
€ 202.66
OP

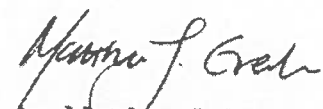
Illu, bis-safar tal-bieċa tal-baħar fuq riferita, il-kreditu ta' l-esponent jista' jigi eluż;

Għaldaqstant, qed jintalab bir-rispett lil din l-Onorabbli Qorti sabiex tordna l-hruġ tal-Mandat ta'

Arrest ta' Bċejjeċ tal-Baħar għall-kreditu hawn infraskritt fuq il-bieċa tal-baħar hawn fuq indikata, bl-ispejjeż tal-preżenti proċedura.


Avukat
Av. Aron Mifsud Bonnici
40/1, Triq iż-Żekka, Valletta

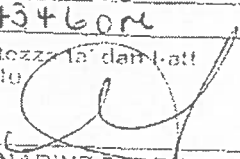

Prokuratur Legali


Av. Matthew J. Grech
40/1, Triq iż-Żekka, Valletta

Il-konfermazzjoni bil-gurament quddiemu wara illi qrajt il-kontenut, li gie pprezentat minn:-

14 AUG 2013

PC. O'Callaghan

Idum 1416 AW 1950 2013
Deher Pauli Falzon
I.D. No. 1434600
halef il-korretezza ta' dan l-att
waqt li qrajtu

NADINE FARRUGIA B.A.L.P.
Commissioner for Oaths

Rikorrent nomine: 31, Is-Sliem, Triq l-Istefanotis, Santa Lucia.

Notifiki:

- (1) Il-bastiment 'A LADYBUG', ibħra territorjali ta' Malta, Bunkering Area 3
- (2) Transport Malta, Malta Transport Centre, Marsa MRS 1917
- (3) Kontrollur tad-Dwana, Dipartiment tad-Dwana, Customs House, Lascaris Wharf, Valletta
- (4) Kummissarju tal-Pulizija, Kwartieri Ġenerali tal-Pulizija, Floriana

Teves Bayani Soldevilla (Passaport numru EB1132922), Samillano Ramon Delima (Passaport numru EB6388305), Hernandez Ricardo Gonzales (Passaport numru EB4854682), Luna Ramon Gubaton (Passaport numru EB1015482), Bijare Jeronimo Callas (Passaport numru XX2846799), Recentes Lito Maximo Gijal (Passaport EB1841484), Ballen Nilo Aquilesca (Passaport numru EB0005931), Hinobiagon Eduardo Gabato (Passaport numru EB6450886), Ferrer Narciso Vargas (Passaport numru XX3464274), Derije Kevin Sevilla (Passaport numru XX3861291), Valmonte Melanio Sanchez (Passaport numru EB4763543), Belonio Michael Siason (Passaport numru EB0059708), Rojas James Panganiban (Passaport numru EB4014202), Yec-Yec Joselito Mendiola (Passaport numru EB1071608), Evangelista Stephen Depositario (Passaport numru EB3458667), Nieves Jose Lagutang (Passaport numru EB1566835), Dela Pena Elpedio Macalisang (Passaport numru XX3617473), Gramatica Diosdado Tubil (Passaport numru XX2721205), Espinosa Salvador Mendoza (Passaport numru ZZ153104), Duaman Kenny Samillano (Passaport numru EB0763895) u Alaban Domingo Briones (Passaport numru EB3695273).

Nru. 32

Mandat ta' Arrest ta' Bćejjeċ tal-Baħar
'il fuq minn għaxar metri (Kawtelatorju)

Ordni tal-Qorti

Repubblika ta' Malta

Mandat Nru.

Billi gie ppreżentat il-fuq imsemmi rikors, kopja tiegħu hawn annessa, u jinkorru l-elementi meħtieġa skond il-Liġi għall-ħruġ ta' Mandat ta' Arrest ta' Biċċa tal-Baħar.

Għalhekk din l-Qorti qiegħda:-

Tordna lill-Awtorita Marittima ta' Malta jew l-Awtorita hekk nominata mill-Ministru u li fidejha tinsab jew taħt il-kontroll tagħha hija l-biċċa tal-baħar li kontra tagħha nħareġ dan il-Mandat ta' Arrest sabiex iżzomm il-biċċa tal-baħar u ma tirtilaxxax il-biċċa tal-baħar jew tippermetti lid-debitur milli b'xi mod jitleq mill-pussess tiegħu l-istess biċċa tal-baħar, fis-shih jew in parti, jew li jagħti jew iċedi xi drittijiet ta' l-istess;

Tordna lill-istess awtorita sabiex tiegħu l-miżuri neċessarji biex l-ordni tal-Qorti tingiebi għall-attenzjoni ta' terzi;

Tordna lill-Uffiċjal Eżekuttiv sabiex jeżegwixxi dan il-Mandat billi jinnotifikah minnufih lill-awtoritá li fidejha tinsab jew taħt il-kontroll tagħha hija l-biċċa tal-baħar li kontra tagħha nħareġ dan il-Mandat ta' Arrest;

Tordna lill-Uffiċjal Eżekuttiv sabiex jinnotifika kopja tal-Mandat lill-persuna li tagħha l-biċċa tal-baħar qed tkun arrestata, jew il-kaptan jew persuna oħra li tkun responsabbli għall-biċċa tal-baħar, jew l-agent ta' dik il-biċċa tal-baħar;

Tordna lill-Uffiċjal Eżekuttiv sabiex jagħmel dak kollu neċessarju biex jassikura l-eżekuzzjoni tal-Mandat, fosthom il-qbid u elevazzjoni tad-dokumentazzjoni tal-biċċa tal-baħar meħtieġa sabiex dina tkun tista' topera.

QORTI CIVILI PRIM' AWLA

Mogħti mill-Qorti

Onor. TONIO MALLIA LL.D.

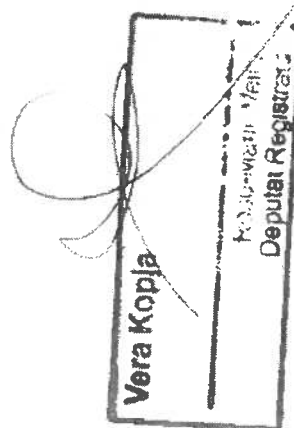
Imħallef

IMħALLEF

Ilum 14

ta' Ottubru, 2013

[Signature]



Ilum 14 ta' Awwissu, 2013

Nghid u nizzura li ezegwejt il-mandat t'arrest ta' bcejjeq tal-bahar numru 1223/13

fl-ismijiet Paul Falyon no. vs M/V A Ladybug

u dan billi elevajt id-dokumenti hawn that imsemmija :-

- (i) General Certificate of Nationality 000064067 (Panama)
- (ii) Load Line Certificate 30070 (2 Feb)
- (iii) Cargo Ship Safety Radio Certificate N° 30070 (3 Feb)

Minghand ABBASI ZAFAR-UL-HUDA Pan. N° CN 1017472 Pakistan
Kaptan tal-

bastiment M/V A Ladybug

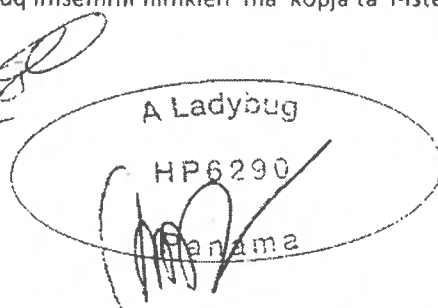
kopja ta' din ir-riferta qed tigi mghoddija lill-istess Kaptan Abbas Zafar-ul-Huda

bhala Kaptan tal-bastiment hawn fuq imsemmi flimkien ma' kopja ta' l-istess mandat.

Marixxall

Qrati tal-Gustizzja

Malta



Handwritten signature and initials.

Today 14th August, 2013

I certify that I have executed this warrant of arrest of a vessel number 1223/13

in the names of Paul Falyon no. vs M/V A Ladybug

And this by elevating the hereunder mentioned documents :-

- (i) General Certificate of Nationality 000064067 (Panama)
- (ii) Load Line Certificate N° 30070 (2 Feb)
- (iii) Cargo Ship Safety Radio Certificate N° 30070 (3 Feb)

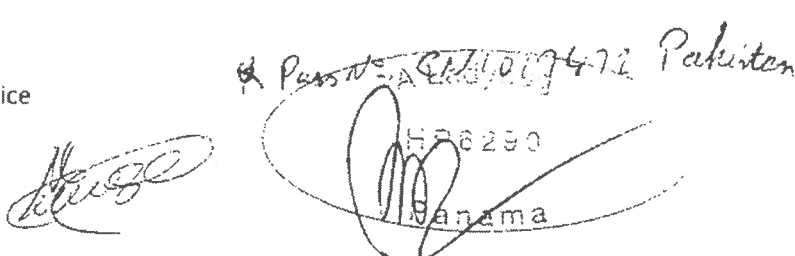
From Abbas Zafar-ul-Huda Captain of MV M/V A Ladybug

A copy of this certificate is being forwarded to Captain Abbas Zafar-ul-Huda

Captain of the above mentioned vessel together with a copy of the same warrant.

Marshal Courts of Justice

Malta



Handwritten signature and initials.

Acceded to Request
[Judge's Signature]
Hon. T. Mallia LL.D
Judge
14 AUG 2013

Form No. 32

Warrant of Arrest of Sea Vessels
Over ten metres in length (Precautionary)

Before **The First Hall Civil Court**

Warrant No **1223/13MG**

Req €174.70
Service €27.96
€202.66
07

Applicant **Paul Falzon** (I.D. No. 143460M) as the special mandatory acting in the name of and on behalf of the absent **Abbasi Zafar-Ul-Huda** (Passport No. CN1017472) #

vs

Respondent **The Vessel 'A LADYBUG'**
(IMO 9441867)

Application of **Paul Falzon (I.D. No. 143460M)** in his above stated capacity.

It is being respectfully submitted and confirmed on oath by Paul Falzon: -

That the applicant seeks to safeguard a debt or a claim, whether *in personam* or *in rem*, which could be frustrated by the departure of the sea vessel indicated in this warrant;

That the claim or debt is the following:-

The combined sum of one hundred and forty nine thousand and twenty six American Dollars and forty six cents (USD 149,026.46) equivalent today to one hundred and seventeen thousand, six hundred and fifty six Euros and fifty nine cents (EUR 117,656.59), which sum is being liquidated only for the purposes of this precautionary warrant, and which forms part of a bigger sum owed by the owners of the defendant vessel, that is TMT Co. Ltd to the applicants consisting in wages and salaries due to them for their service as master, officials and other crew members on board the same defendant vessel as well as other expenses related to the repatriation of the applicants, judicial costs and expenses and legal interest.

That the details of the said sea vessel are the following:-

- Name:- **A LADYBUG**
- Identification details of the sea vessel:-
 1. Registered: **Panama**
 2. IMO Number: **9441867**
 3. Gross Tonnage: **72,408**
 4. Call Sign: **HP6290**

REGISTRY OF SUPERIOR
COURTS
No. 1098
14 AUG 2013
PAID

- Place where the said vessel is to be found:- **Maltese territorial waters, Bunkering Area 3.**
- Authority: **Transport Malta, Malta Transport Centre, Marsa MRS 1917**

That by the departure of the said sea vessel from Malta, the debt or claim of the applicant may be evaded;

Therefore, the applicant respectfully requests that this Court orders the issue of a Warrant of Arrest of Sea Vessels against the said sea vessel for the herein mentioned credit and for the costs of this procedure

[SIGNATURE]

Advocate Aron Mifsud Bonnici
40/1, Old Mint Street, Valletta

[SIGNATURE]

Legal Procurator

[SIGNATURE]

Advocate Matthew J Grech
40/1, Old Mint Street, Valletta

14 AUG 2013

Confirmed on oath before me after having read to him/her the contents, and filed by:-

P.L. N. Farrugia

Today 14th of August 2013

Appeared Paul Falzon

I.D. No. 143460M

Swore on the correctness of this document

When I read it to him

[Signature]

Nadine Farrugia
Commissioner for Oaths

[Signature]

Applicant *nomine*: 31, Is-Sliem, Triq l-Istefanotis, Santa Lucia

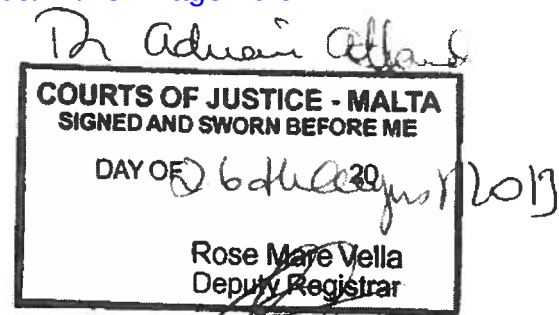
Service to:

1. The Vessel A LADYBUG, Maltese territorial waters, Bunkering Area 3
2. Transport Malta, Malta Transport Centre, Marsa MRS 1917
3. Comptroller of Customs, Department of Customs, Customs House, Lascaris Wharf, Valletta
4. The Commissioner of Police; Police General Headquarters, Floriana

Teves Bayani Soldevilla (Passport number EB1132922), Samillano Ramon Delima (Passport number EB6388305), Hernandez Ricardo Gonzales (Passport number EB4854682), Luna Ramon Gubaton (Passport number EB1015482), Bijare Jeronimo Callas (Passport number XX2846799), Recentes Lito Maximo Gijal (Passport EB1841484), Ballen Nilo Aquilesca (Passport number EB0005931), Hinobiagon Eduardo Gabato (Passport number EB6450886), Ferrer Narciso Vargas (Passport number XX3464274), Derije Kevin Sevilla (Passport number XX3861291), Valmonte Melanio Sanchez (Passport number EB4763543), Belonio Michael Siason (Passport number EB0059708), Rojas James Panganiban (Passport number EB4014202), Yec-Yec Joselito Mendiola (Passport number EB1071608), Evangelista Stephen Depositario (Passport number EB3458667), Nieves Jose Lagutang (Passport number EB1566835), Dela Pena Elpedio Macalisang (Passport number XX3617473), Gramatica Diosdado Tubil (Passport number XX2721205), Espinosa Salvador Mendoza (Passport number ZZ153104), Duaman Kenny Samillano (Passport number EB0763895) u Alaban Domingo Briones (Passport number EB3695273).

Form No 32

Warrant of Arrest of Sea Vessels
Over ten metres in length (Precautionary)



Court Order

Republic of Malta

Warrant No

Whereas the attached application has been filed and there exist sufficient grounds according to law for the issuance of the Warrant of Arrest of Sea Vessels;

The Court thus:-

Orders the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the sea going vessel against which such warrant is being issued, to seize the vessel and not release such sea vessel or allow the debtor to divest himself in any way from

the same in whole or in part or to give or surrender to any person any rights on the same;

Orders the same authority to take all necessary measures to display the court order for the general attention of third parties;

Orders the Executive Officer to execute this warrant by serving it on the executive officer of the authority which has in its hands or under its control the sea going vessel against which such warrant is being issued;

Orders the Executive Officer serve a copy of the warrant on the person whose ship or vessel is arrested, the master or other person in charge of such ship or vessel or the agent of such ship or vessel;

Orders the Executive Officer to take all necessary actions to ensure the execution of this warrant, including, the seizure and removal of all travel documentation from the same ship or vessel.

Given by the Court

CIVIL COURT FIRST HALL
Onor. TONIO MALLIA LL.D.
JUDGE

Today *14th* of *August 2013*

[Judge's Signature]

I certify that this is to the best of my knowledge a true and accurate transcript of the original.

Adrian Affard
Adrian Affard LL.B., LL.D., LL.M. (IMLI)

Today 14th August 2013

I state and certify that I execute the warrant of arrest of sea vessel number 1223/13 in the names Paul Falzon noe vs M/V A Ladybug and this by securing the documents mentioned below:

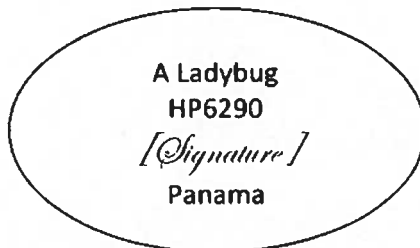
- (i) General Certificate of Nationality 000064067 (Panama)
- (ii) Load Line Certificate 30070 (2 pages)
- (iii) Cargo Ship Safety Radio Certificate No 30070 (3 pages)

From Abbasi Zafar-Ul-Huda Pass No. CN 1017472 Pakistan master of the vessel M/V A Ladybug

Copy of this notice is being given to the same master Abbasi Zafar-Ul-Huda

As master of the abovementioned vessel together with a copy of the same warrant of arrest.

Court Marshall
Courts of Justice
Malta



Witness
[Signature]

Today 14th August 2013

I state and certify that I execute the warrant of arrest of sea vessel number 1223/13 in the names Paul Falzon noe vs M/V A Ladybug and this by securing the documents mentioned below:

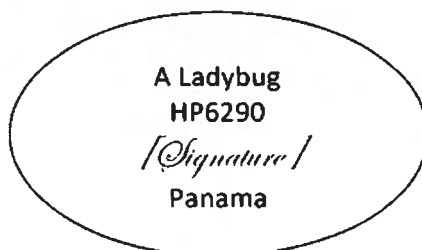
- (i) General Certificate of Nationality 000064067 (Panama)
- (ii) Load Line Certificate 30070 (2 pages)
- (iii) Cargo Ship Safety Radio Certificate No 30070 (3 pages)

From Abbasi Zafar-Ul-Huda Pass No. CN 1017472 Pakistan master of the vessel M/V A Ladybug

Copy of this notice is being given to the same master Abbasi Zafar-Ul-Huda

As master of the abovementioned vessel together with a copy of the same warrant of arrest.

Court Marshall
Courts of Justice
Malta



Witness
[Signature]
